

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 733

(Delegate O'Donnell)

Judiciary

Judicial Proceedings

Circuit Courts - Military Discharge Papers - Limitation on Inspections and
Certified Copies

This bill prohibits a clerk of a circuit court from allowing anyone to view or obtain a certified copy of military discharge papers filed with the clerk's office, or to examine the index to these records, except: (1) the person who is the subject of the papers, the person's designee, or, if the person has a legal disability, the person's parent or legal guardian; (2) a party or party's attorney who presents satisfactory evidence that the records are to be used in a court or administrative proceeding; (3) in accordance with a court order or subpoena; or (4) for good cause shown, to a relative of the subject of the papers, if the request is made at least 70 years after the papers were presented for recording.

Fiscal Summary

State Effect: None.

Local Effect: The bill should not have a significant effect on circuit court expenditures.

Small Business Effect: None.

Analysis

Current Law: The circuit court clerk in each county is required to keep a book, and record and index in the book, the discharge papers of any person who has served in the armed forces and presents the papers for recording. There are currently no restrictions on who may inspect or receive certified copies of military discharge papers.

Military discharge papers are also available to the person who is the subject of the discharge papers and that person's next of kin through the National Archives and Records Administration (NARA). Much of the information contained in these records may be available to the general public through NARA, under the Freedom of Information Act.

Background: Veterans need certified copies of their discharge papers to apply for low-cost mortgages, educational benefits, or treatment at military facilities. The Veterans Administration (VA) and other military-affiliated groups have historically encouraged military retirees to file their discharge papers at their county courthouse, so that they will always have access to a certified copy if the original is lost.

Military discharge papers contain Social Security numbers and other identifying information. Providing unlimited access to these papers can therefore lead to identity theft. This possibility has caused the VA to rethink its advocacy of the public filing of discharge papers. In addition, increasing numbers of veterans have filed petitions to expunge their papers from clerk's office records.

Additional Information

Prior Introductions: None.

Cross File: SB 42 (Senator Green) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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